

**WAYS AND MEANS
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

A meeting of the Ways and Means committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Monday, October 15, 2001 in the Rose Y. Caracappa Auditorium at 1:00 P.M.

Members Present:

Legislator George Guldi, Chairman
Legislator Cameron Alden, Vice Chairman
Legislator Andrew Crecca, Member
Legislator Ginny Fields, Member

Also in Attendance:

Paul Sabatino, Counsel to the Legislature
Allan Grecco, Suffolk County Real Estate
Diane Giordano, Self
Elizabeth Nostrand, Aide to Legislator Fields
Linda Bay, Aide to P.O. Tonna
Carl Yellon, Aide to Legislator Crecca
Arlene Forward, League of Women Voters
J. R. O'Donnell, Suffolk County Dept. of Labor
Todd Johnson, County Executive's Office
Robert Diamond, Aide to Legislator Guldi
B.J. McCartan, Aide to Presiding Officer

Minutes taken by:

Eileen Schmidt, Legislative Secretary

(*The meeting was called to order at 1:20 P.M.*)

CHAIRMAN GULDI:

We can call the Ways and Means Committee meeting to order. We'll begin with the Pledge of Allegiance led by Legislator Crecca.

SALUTATION

I'd ask you to remain standing, we'll observe a moment of silence in memory of the victims of September 11th attacks in New York City and Washington.

We have no scheduled presentations or correspondence to discuss. We do have a card from Diane Giordano, come on up and use the microphone. You can sit at the table if you'll be move comfortable there.

MS. GIORDANO:

I'm here to say that I had received a tax bill in August of this year. In 1999, in December I purchased the house and January I called Brookhaven Town and spoke to a clerk. And I was addressing the fact that I wanted to make sure my name was on the tax bill that they didn't have the old name and that I would be sure that I would get my bill. She was a little confused and I asked to speak to a supervisor and spoke to a supervisor named Angie, I believed that's her name. At that point she told me that my taxes were paid for the year and that I would receive a bill next year. The next year came and I did receive a bill; I called them up to explain the bill and they basically told me January, February, you know, if you pay your tax late it's 1%, 2% that you pay your taxes late and I also spoke to the Treasurer out in Riverhead and she explained the amounts that I owed because I paid in February.

CHAIRMAN GULDI:

Ms. Giordano.

MS. GIORDANO:

Yes.

CHAIRMAN GULDI:

Let me ask you one question and see if I can't expedite this for you. I see a backup to the resolution; there's a letter from the Town of Brookhaven. Counsel, is the letter from the Town of Brookhaven adequate to bring this under the statute, in your opinion?

MR. SABATINO:

Yes. It took a little effort, but the Town finally produced a letter and the applicant is now eligible. There's a corrected copy that's been filed just to correct the ownership name, I believe it's her husbands name alone as opposed to both names.

CHAIRMAN GULDI:

On the basis of the letter --

1943 Authorizing waiver of interest and penalties for property tax for (Diane Giordano) (SCTM No. 0200-174.00-01.00-010.000). PRIME (Fisher)

LEGISLATOR ALDEN:

Motion to take it out of order.

CHAIRMAN GULDI:

Motion to take it out of order Legislator Alden second by Legislator Crecca. Motion to approve by myself.

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Second by Legislator Alden. Do you mind if we approve this or you want to talk us out of it?

MS. GIORDANO:

Oh, absolutely not.

CHAIRMAN GULDI:

Okay. All those in favor? Opposed? Abstentions? Approved 4-0. It'll be on the agenda next Tuesday, but I suspect that the vote you have here will be indicative of the results you see then.

MS. GIORDANO:

Thank you.

TABLED RESOLUTIONS

CHAIRMAN GULDI:

1365. Amending the 2001 Capital Budget and Program and appropriating funds in connection with master plan for North County Complex, Hauppauge, NY (CP 1601) PRIME (Co. Exec.)

LEGISLATOR CRECCA:

Motion to table.

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca second by Legislator Alden. All those in favor?
Opposed? Tabled **(Vote: 4-0-0-0)**

1416 To ensure League of Women Voters representation on Reapportionment Commission. PRIME (Postal)

LEGISLATOR CRECCA:

Motion to table

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca second by Legislator Alden. **(Vote: 4-0-0-0)**
Counsel, when are we -- have we heard what the status of the creation of the commission is from the Presiding Officer office?

MR. SABATINO:

We did at the last Ways and Means Committee and at that time there was an indication that the Presiding Officer was just I think finalizing one or two individuals, but it has not been formed at this point in time.

CHAIRMAN GULDI:

Why does the mover want us to table this, continue to table this?

LEGISLATOR CRECCA:

The same reasons stated at the last two meetings.

CHAIRMAN GULDI:

Well, they weren't right I thought were the reasons then; it seems like it's right now.

LEGISLATOR ALDEN:

Well, actually the P.O. has not announced his commission and when he does I think then that would be right, if these people left off or some other groups are left off then we could consider everybody and the representation at that point in time.

CHAIRMAN GULDI:

Okay. Legislator Fields, do you want to be heard?

LEGISLATOR FIELDS:

Why wouldn't we want to consider before its made rather than tried to repair something that has already been happening?

LEGISLATOR CRECCA:

Because the Presiding Officer made a request, not just this committee, but to the Legislature saying that he was -- wanted time to put the reapportionment committee together --

LEGISLATOR ALDEN:

You're also making an assumption, which is not valid that you'd have to repair something. How about if he comes through with a committee is very representative of all interest in Suffolk County. So you might not have anything to repair, so by jumping in now and jumping the gun just seems that we'd be, you know thwarting the process rather than going along with the process.

LEGISLATOR FIELDS:

May I ask that the Chairman reach out to the Presiding Officer and ask for a maybe a letter in writing asking where he's at at this point and --

CHAIRMAN GULDI:

Sure.

LEGISLATOR FIELDS:

You know then --

CHAIRMAN GULDI:

Where's my aide, I'd like to draft a letter.

LEGISLATOR ALDEN:

If you want to vote on it, I mean, we could table it. I'll vote on it.

LEGISLATOR CRECCA:

I'll leave my table motion.

CHAIRMAN GULDI:

On the motion to table then we have to call that. All those in favor? Opposed? Tabled.
(Vote: 4-0-0-0)

1528. Authorizing waiver of interest and penalties for property tax for North Patchogue Fire District (SCTM No. 0200-973.30-03.00-016.000). PRIME (Foley)
We're still waiting for somebody from fire district on this or have we received it, Counsel?

MR. SABATINO:

We're still waiting for the documentation.

CHAIRMAN GULDI:

Motion to table.

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. Discussion? All those in favor? Opposed? Abstentions? (Vote: 4-0-0-0)

1618. To implement Town of Babylon affordable housing plan under Town Revenue-Sharing Partnership. PRIME (Postal) Is this the --

MR. SABATINO:

This is the LIPA money.

CHAIRMAN GULDI:

The LIPA money?

MR. SABATINO:

Yes.

LEGISLATOR ALDEN:

It's the Gowan Decision money.

CHAIRMAN GULDI:

The Gowan Decision money, is that correct, Counsel?

MR. SABATINO:

Well, this is the pilot money, but, you know, --

CHAIRMAN GULDI:

It impacts with the pending appeal --

MR. SABATINO:

It doesn't really impact the appeal because as I stated at the last time the settlement agreement is not structured around, you know, giving back the money if the Gowan Decision prevails. If the Gowan Decision prevails there's going to be, you know, a billion dollars worth of -- in surcharge money that's going to be due an owing, but, you know, if somebody is proposing that Suffolk County would voluntarily give back the \$15 billion of pilot money in connection with the billion dollars of surcharge money there is no connections. So it's related, but it's not like one follows the other.

LEGISLATOR ALDEN:

Well, what's going to happen is the Gowan Decision is upheld Brookhaven is going to immediately move to have that money remitted back to them.

MR. SABATINO:

There's no connection between the two, okay. The surcharge is the bifurcated rates of a billion dollars. Okay. Under the agreement they don't automatically get back a billion dollars of pilot money.

LEGISLATOR ALDEN:

There is a connection because -- the settlement, the settlement --

MR. SABATINO:

I think there's a misconception that the two are connected.

CHAIRMAN GULDI:

Let him finish.

LEGISLATOR ALDEN:

I'm sorry, go ahead.

CHAIRMAN GULDI:

I was having trouble hearing two at once. Did you finish, Counsel? Mr. Alden.

LEGISLATOR ALDEN:

Yeah, because the settlement on that LIPA that whole LIPA agreement ended up taking money from Brookhaven in exchange for the settlement of all the outstanding claims. And if under Gowan, if we end up reversing some of that, some of that potential settlement, Brookhaven is going to immediately move to have their pilot money and they've indicated that on the record that they would immediately move to have that pilot payments restored to them rather than go to a settlement that is no longer in existence. So be on the prudence side as stewards of the peoples' money if we go and spend that money right now and end up having to remit that money back to Brookhaven I don't think we've planned to do that and I think it can be quite costly. So that's why I'd make a motion to table.

CHAIRMAN GULDI:

Counsel, do we --

MR. SABATINO:

But even if you follow that logic which doesn't flow Brookhaven would owe a billion dollars to the rest of the people in the County. So a billion minus 7.9 million means that everybody else outside of Brookhaven, you know, we'd be talking about hundreds of millions of dollars more. So I think there's just two points to be made. One, you don't want to give the impression that your acquiescing to a position that's not part of the settlement agreement which is that somehow Brookhaven is entitled to the \$7.9 million. Separate issue, you know, is whether or not you believe in, you know, the affordable housings implementation. But it shouldn't be construed as a link that you automatically must hold back this money because of the Gowan Decision they're not related.

LEGISLATOR ALDEN:

And anybody that wants to spend the money and then gets given the bill for it at a later date they're welcome to do that. My vote right now and also my motion is to table it.

LEGISLATOR CRECCA:

On the motion. Paul, where would the money come from if we spend the money then? You know I'm saying if we spent the 7.9 million. In other words if we allocate.

MR. SABATINO:

The money belongs to Suffolk County. Gowan -- the Gowan Decision doesn't say anything or do anything with regards to the pilot money. The Gowan Decision talks about the surcharge, the bifurcated rate. If Gowan prevails, okay, then there's going to have to be some -- there's going to have to be either it goes back on the property tax, you know bases in which case people outside of Brookhaven are going to benefit to the extent of whatever it is, a billion minus the Brookhaven share which is going to far exceed the \$7.9 million. So it's not like the \$7.9 million becomes a payment or a down payment or part of -- (inaudible)

LEGISLATOR CRECCA:

But it could be used in other words but there would be nothing stopping us from using the pilot payment to satisfy some of that?

MR. SABATINO:

Really not because everybody outside of Brookhaven. Okay, even if you believe that the \$7.9 million is at risk everybody outside of Brookhaven, the other nine towns, will have a claim that so far exceeds the 7.9 million that even if you tried to offset it dollar for dollar you're still going to be ahead by nine hundred and some odd million dollars. My only point is, I mean, the bill can be tabled, but I think there's a misconception out there that I'm trying to rectify which is that you have to --

LEGISLATOR CRECCA:

-- I understand what you're saying.

MR. SABATINO:

table it because of the lawsuit you don't. You can, you can, you can exercise and independent judgement, but not it's not an obligatory move that you must.

LEGISLATOR ALDEN:

One the motion.

CHAIRMAN GULDI:

Well, we have a motion to table.

LEGISLATOR CRECCA:

I'll second it.

CHAIRMAN GULDI:

And there is a second. Motion to table and second on tabling motion.

LEGISLATOR ALDEN:

The Babylon Affordable Housing Plan also would fit in under the current existing affordable housing bonded program --

LEGISLATOR CRECCA:

I thought we were going to do that anyway.

LEGISLATOR ALDEN:

That's what I thought too, but it also fits in under that and it would be just minor changes have to be made to the bill to actually have it come in under that. Most of the money for the bonded part of the program has not been spoken for yet so there's a ton of money in there ready to go with almost exactly the same language as the cash type of program.

LEGISLATOR CRECCA:

And I think the sponsor did talk about switching it over, but I'm not sure about that, but if somebody could check with that.

CHAIRMAN GULDI:

Qualify, Counsel?

LEGISLATOR CRECCA:

Does it?

MR. SABATINO:

No. That's not correct. The 20 million -- the reason this money was being used for this program was two reasons. One is that the \$20 million in the Charter Law money, which is in the Capital Budget, is for land acquisition. Okay, so this would not be eligible because it's not land acquisition money, number one. Number two, the reason this was proposed by Presiding Officer Tonna was to try to use pay as you go money before you got to, you know, you got to debt service money, but it wouldn't be eligible anyway.

LEGISLATOR ALDEN:

Well, actually just to correct it a little bit; I'm a co-author of this program and we crafted it on the existing program basically to use cash rather than to use bonded indebtedness. So the program itself should almost mirror what the original program was like.

MR. SABATINO:

It does except for the changes which are outlined in this resolution to pick up, you know, those towns that have slightly different --

LEGISLATOR ALDEN:

Well, actually just to go one step further, at one of the last meetings we had somebody from Babylon come in and we were going to propose legislation that possibly could

change the existing program to make it more user friendly for the towns to avail themselves of that money. So I think that's in the works right now also. So I'll just stay with my tabling motion.

LEGISLATOR CRECCA:

Yeah, just so I understand this, I mean, on the tabling motion, I think there was testimony here that they were going to be working with the sponsor to make some changes to the bill and all that. You know that's what I remember last time we had testimony here.

CHAIRMAN GULDI:

Motion to table and second. Anything on the motion? All those in favor? Opposed?

LEGISLATOR FIELDS:

Opposed.

CHAIRMAN GULDI:

We'll table it one more time. One opposed. (Vote: 3-1-0-0)

1712 Sale of County-owned real estate pursuant to Local Law 13-1976 Bartholomew Spadaro (0200-685.00-01.00-014.000). PRIME (Co. Exec.) I talked to Mr. Grecco we're still waiting for the appraisal. I'll make a motion to table one more time.

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

Second by Mr. Crecca. Discussion? All those in favor? Opposed? Tabled. (Vote: 4-0)

1842 Authorizing waiver of interest and penalties for property tax for Joseph J. Ingarozza (SCTM No. 0500-373.00-02.00-002.000). PRIME (Alden) Legislator Alden, your bill, what's your pleasure?

LEGISLATOR ALDEN:

I'll make a more to table.

CHAIRMAN GULDI:

Motion to table by the sponsor second by myself. All those in favor? Opposed? 1842 is tabled. (Vote: 4-0-0-0)

1880 Rescinding conveyance of parcel to Town of Babylon (Section 72-h, General Municipal Law. PRIME (Postal) Mr. Grecco, you want this tabled one more time as well?

MR. GRECCO:

Yes. We spoke to Ms. Postal and she indicated that she wanted a resolution from the Town of Babylon and she's still waiting if for it. So if it pleases this committee --

CHAIRMAN GULDI:

Motion to table by myself.

MR. GRECCO:

Thank you.

CHAIRMAN GULDI:

Second by Legislator --

MR. SABATINO:

All right, the town board resolution arrived on September 21st, it was after the last meeting which we held on the 20th so -- the reason it was tabled the last time was, you know, correctly stated in reference to -- indifference I should say to that resolution, but the town did send something up on the 21st.

CHAIRMAN GULDI:

And what's the gist of the resolution received?

MR. SABATINO:

Well, what they did was they put -- they had sighted -- the original resolution had sighted the wrong parcel.

MR. GRECCO:

Right. They need to correct that resolution for the correct parcel and she requested that we table it one more time.

CHAIRMAN GULDI:

Okay. So motion to table by myself.

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Second by Legislator Alden. Discussion? All those in favor? Opposed? Tabled one more time. (Vote: 4-0-0-0)

INTRODUCTORY RESOLUTIONS

Mr. Grecco, let me know if there's any of these that are run of the mill?

MR. GRECCO:

Resolutions 1910 thru 1916 inclusive are all as of right redemptions.

CHAIRMAN GULDI:

All right. I will make a motion to approve and place on the Consent Calendar **1910, 1911, 1912, 1913, 1914, 1915, 1916**. I want to put the names of the recipients in the record respectively starting at 10. William A and Rosemarie Setzer. 1911 is David M. Levin. 1912 is June D. Hooper and Bruce S. Hooper as tenants in common. 1913 is John Valerio and Frances M. Valerio. 1914 is Suffolk County Tax Rehab Corp. so is 1915.

MR. SABATINO:

1914 just for the record it's also the mortgagee, which is Three Sam Holdings, LLC just so you know.

CHAIRMAN GULDI:

Oh, okay. It's not in the caption. Is 1915 the same.

MR. SABATINO:

Yes, it's the same thing.

CHAIRMAN GULDI:

Okay and 1916 Suffolk County Tax Musharraf Ali. Okay. Motion by myself.

LEGISLATOR CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. All those in favor? Opposed? Approved 4-0 and placed on the Consent Calendar. **(Vote: 4-0-0-0)**

1917 Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven Suffolk County Tax Map No. 0200-880.00-03.00-032.000 (Item No. 48-06830) pursuant to Section 40-D of the Suffolk County Tax Act. PRIME (Co. Exec.) What's the story here, Allan?

MR. GRECCO:

This is a lack of notice.

CHAIRMAN GULDI:

Mennonite notice.

MR. GRECCO:

Bad jurisdiction, it's signed -- the notice was signed -- the notice was sent to the prior owner and not forwarded to the current owner and we were unable to even ascertain who signed it.

CHAIRMAN GULDI:

Okay. Motion to approve by myself.

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Second by Legislator Alden. All those in favor? Opposed? Approved 4-0. (Vote: 4-0-0)

1924 Approving the appointment of John E. Meehan to Inspector in the Suffolk County Police Department. PRIME (Co. Exec.) This is anti-nepotism resolution. Is that correct, Counsel?

MR. SABATINO:

Yes, it is Mr. Chairman. The individual is --

CHAIRMAN GULDI:

Has a relative who is a Captain.

MR. SABATINO:

He's a brother of a Deputy Inspector.

CHAIRMAN GULDI:

Deputy Inspector.

LEGISLATOR CRECCA:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Crecca second by myself. All those in favor? Opposed? Approved. 4-0 (Vote: 4-0-0-0)

1925 Approving the appointment of William B. O'Donnell to Detective/Sergeant in the Suffolk County Police Department. PRIME (Co. Exec.) I'll make a motion to approve.

LEGISLATOR CRECCA:

Are you sure you don't want to table this?

CHAIRMAN GULDI:

I mean, given what these poor guys got for relatives. Hasn't he suffered enough?

LEGISLATOR CRECCA:

Yeah, that's true. I feel sorry for him too, you're right. I can give my sympathy vote on this one.

CHAIRMAN GULDI:

Is there a second?

LEGISLATOR ALDEN:

Second.

CHAIRMAN GULDI:

Let the record reflect that the Commissioner O'Donnell is in the audience and that's who we're torturing. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-0)**

1934 Authorizing waiver of interest and penalties for property tax for Louise D'Onofrio Cummings (SCTM No. 0900-340.00-02.00-002.000). PRIME (Guldi) I'm the sponsor on this one, wait a minute.

MR. SABATINO:

It qualifies if that helps.

CHAIRMAN GULDI:

That helps.

MR. SABATINO:

Yes.

CHAIRMAN GULDI:

Clearly it qualifies I wouldn't put it in otherwise, Counsel. Motion to approve by myself.

LEGISLATOR FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor? Opposed? Approve 4-0. **(Vote: 4-0-0-0)**

1939 Authorizing the grant of an easement and execution thereof of the County of Suffolk and Sewer District No. 12 – Holbrook/Birchwood on property in the Hamlet of Holbrook, Town of Brookhaven, to the Town of Brookhaven (SCTM No. 0200-764-4-2). PRIME (Co. Exec.) What's the purpose of the easement?

LEGISLATOR CRECCA:

Disposing of storm water.

MR. SABATINO:

It's tied into a sewer district #12, a pump station and what's happened is vandals have been using an access road that is nearby this facility and a town sump. And what they're trying to do is eliminate the access to that road by giving the town access to the

property in the back to basically eliminate the ability of these vandals to get into the facilities. It's got public safety goal or objective from what the backup indicates.

CHAIRMAN GULDI:

How wide is this easement? I'm just looking at the description; it's a (inaudible) description.

MR. SABATINO:

What's going to happen the town's going to abandon the access road then to the homeowners who will block off the access road, but I don't know the dimensions of it.

CHAIRMAN GULDI:

Oh, here it is. Allan, did you prep this?

MR. GRECCO:

(inaudible)

CHAIRMAN GULDI:

Give me just a second to look at the description; I'll have to discern it from that. Well, obviously, somebody prepped the survey otherwise they wouldn't have the Schedule A type description here, but they didn't include the survey.

MR. GRECCO:

Would you like for me to review it?

CHAIRMAN GULDI:

Well, given that it's -- you know what Allan I'll make a motion to discharge without recommendation because there's a public safety issue here, but if you could take a moment and tell me if you can discern the width of this easement from the backup and the resolution and if not will get somebody else to provide it my Tuesday's meeting next week. Okay. So I'll make a motion to discharge without recommendation. Do I have a second on that? Second by Legislator Alden. Discussion? All those in favor? Opposed? That's discharged without recommendation. **(Vote: 4-0-0-0)**

TABLED SENSE RESOLUTION

79-01 Memorializing resolution requesting State of New York to provide a 60-day grace period before charging penalty and interest for late payments of real property taxes in Suffolk County. PRIME (Cooper)

LEGISLATOR CRECCA:

I think we tabled this once before; I did speak to Legislator Cooper. I met with I discussed with Esther Bivona who's the head of the Taxpayers sorry Tax Receivers Association for Suffolk County and I think Legislator Cooper and Legislator Postal and I were going to work on this together and that's why we had tabled it so that maybe we'd come up with one Sense Resolution. I have to honest with you we started working on it

and then the World Trade Center incident hit and we just haven't done much work on it in the last few weeks. So I'd asked that it be tabled again. I'll speak to the sponsor.

CHAIRMAN GULDI:

Motion to table by Legislator Crecca second by myself. Discussion? All those in favor? Opposed? Abstentions? Tabled 4-0. **(Vote: 4-0-0-0)** I want to add the following resolutions to the Consent Calendar and they are 1912 the certificate of abandonment, the two nepotism resolutions 1924 and 1925 and 1934 and 1943 the two qualifying waivers of interest and penalties. Legislator Alden I need you for the Consent Calendar motion otherwise it wouldn't --

LEGISLATOR CRECCA:

We can put the nepotism ones on the Consent Calendar?

CHAIRMAN GULDI:

We're not prohibited.

MR. SABATINO:

Legally, legally you can.

CHAIRMAN GULDI:

Legally you can.

LEGISLATOR CRECCA:

Oh, okay that's fine, Counsel.

CHAIRMAN GULDI:

All those in favor? Opposed? Abstentions? There all on the Consent Calendar. Thank you Mr. Alden.

(Having no further business the Ways and Means Committee was recessed at 1:45 P.M.)

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